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## ALSTON & BIRD LLP

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### TELECOPY

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DATE: May 7, 2004

TO: USPTO, ATTN: EXAMINER DAVID H. KRUSE

FROM: David M. Saravitz

Re: U.S. Patent Application for *Genes and Vectors for Conferring  
Herbicide Resistance in Plants*  
Appl. No. 09/997,900; Filed November 30, 2001

NO. OF PAGES:  
(Including cover page)

15

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FAX NUMBER: (703) 872-9306

CLIENT/MATTER: 043753/241148

REQUESTED BY: Marilyn Munoz

VOICE NUMBER: (571) 272-0799

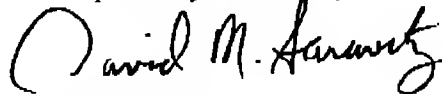
RTA01/2|32RR5v1

## PATENT

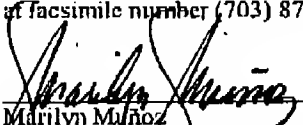
In re: *Kakefuda et al.*  
Appl. No.: 09/997,900  
Filed: November 30, 2001  
Atty. Dock. No. 043753/241148 (5849-20A)  
Page 2

- ☒ Please charge my Deposit Account No. 16-0605 in the amount of \$18.00.
- ☐ A check in the amount \$18 to cover the additional fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiency in payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0605.
- ☒ Any additional filing fees required under 37 C.F.R. § 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.

Respectfully submitted,



David M. Saravitz  
Registration No. 55,593  
Attorney/Agent of Record

<b>Customer No. 00826</b> <b>ALSTON &amp; BIRD LLP</b> Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260	<b>CERTIFICATION OF FACSIMILE TRANSMISSION</b>  I hereby certify that this paper is being facsimile transmitted to Examiner David H. Kruse at the US Patent and Trademark Office at facsimile number (703) 872-9306 on the date shown below.   Marilyn Muñoz  May 7, 2004 Date
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/997,900 Confirmation No.: 5699  
Applicant(s): Kakefuda *et al.*  
Filed: November 30, 2001  
Art Unit: 1638  
Examiner: David H. Kruse  
Title: GENES AND VECTORS FOR CONFERRING HERBICIDE RESISTANCE  
IN PLANTS

Docket No.: 043753/241148 (5849-20A)  
Customer No.: 00826

May 7, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT  
37 C.F.R. § 1.121

Sir:

In response to the Office Action dated February 13, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims beginning on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

RTA01/2150466v1